**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 10696 of 1995**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE AKIL KURESHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**SUBODH KEVALDAS SHAH - Petitioner(s)**
**Versus**
**UNITED BANK OFINDIA H.O.AT 16 OLD COURT HOUSE STREET, - Respondent(s)**

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**Appearance :**
MR SA DESAI for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,
MR RASHEED QURESHI for Respondent(s) : 1,

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**CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI**

**Date : 04/05/2006**

**ORAL JUDGMENT**

1.In the present petition, the petitioner has sought correction of his date of birth in his service record. The petitioner is employed by respondent-Union Bank of

India. His School Leaving Certificate on the basis of which he had applied for the job indicated his date of birth as 1-02-1948. However, shortly before joining the service upon completion of selection process, the petitioner represented to the Bank that his correct date of birth is 27-12-1949. He placed reliance on the extracts of the birth and death register of village where he claims to have been born. The Bank however, did not accept the say of the petitioner and recorded his date of birth in the service record as 1-2-1948 as borne out from the School Leaving Certificate. This entire gamut took place in the year 1975. The petitioner thereafter made representations which were rejected at the relevant time. In the year 1990 or thereabouts, the petitioner revived his efforts for correction of his date of birth. Finally in the year 1993, Bank rejected the representation of the petitioner once again upon which the petitioner filed the present petition. Only on the ground that to attempt to deduce the correct date of birth of the petitioner would be entering into realm of highly disputed question of facts and on the ground that petitioner had right from the year 1975 till 1990, taken no steps to pursue his claim, I do not find it

appropriate to interfere with the decision in exercise of powers under Article 226 of the Constitution of India. The School Leaving Certificate of the petitioner indicated a certain date of birth. The petitioner relied on village extracts which did not indicate his name. Other than this, there was no material on record. The petitioner only produced his own affidavit of date of birth which for obvious reasons would be of no help. Considering all these aspects of the matter, I find that the petition cannot be accepted.

2. For the above reasons, the petition is rejected. Rule is discharged with no order as to costs. Despite rejection of this petition, it would be open for the petitioner to make a representation to the respondent with additional material if it is in his possession since I am told that the petitioner is still in service even as per the date of birth accepted by the Bank.

**(Akil Kureshi,J.)**

(raghu)